

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**IN RE PAYMENT CARD INTERCHANGE
FEE AND MERCHANT DISCOUNT
ANTITRUST LITIGATION**

This Document Relates to:

***Shop Rite, Inc., et al. v. Visa Inc., et al.*, No.
13-cv-03474 (E.D.N.Y.) (MKB) (JO).**

No. 14-md-01720 (MKB) (JO)

**STIPULATION AND ORDER
AMENDING COMPLAINT**

WHEREAS, plaintiffs Shop Rite, Inc., Tobacco Plus, Inc., Rice Palace, Inc., and Gielen Enterprises, Inc. filed an action captioned *Shop Rite, Inc., et al. v. Visa Inc., et al.*, No. 13-cv-03616 (S.D.N.Y.), as opt-outs from the Rule 23(b)(3) Settlement Class in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, No. 05-md-01720 (E.D.N.Y.);

WHEREAS, on or about June 19, 2013, the Judicial Panel on Multidistrict Litigation transferred that action to MDL 1720, where the United States District Court for the Eastern District of New York accepted that action as *Shop Rite, Inc., et al. v. Visa Inc., et al.*, No. 13-cv-03474 (E.D.N.Y.) (the “Shop Rite Action”);

WHEREAS, on or about September 30, 2014, defendants filed answers to the complaint in the Shop Rite Action;

WHEREAS, Gielen Enterprises, Inc. was inadvertently named as a plaintiff in the complaint in the Shop Rite Action instead of Gielen Development, Inc.;

WHEREAS, the plaintiffs wish to amend the complaint in the Shop Rite Action to dismiss Gielen Enterprises, Inc. as a plaintiff without prejudice, to add Gielen Development, Inc. as a plaintiff, and to amend the complaint to state “Gielen Development, Inc.” instead of “Gielen Enterprises, Inc.” throughout the complaint;

WHEREAS, to conserve judicial and party resources that otherwise would be expended through the filing of an amended complaint, plaintiffs desire that the Court enter an order so amending the complaint, without the need for plaintiffs to file an amended complaint; and

WHEREAS, the defendants consent to this amendment of the complaint as long as they need not provide any further answer or response to the complaint as amended;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the approval and order of the Court, that:

1. Gielen Enterprises, Inc. is dismissed as a plaintiff in the Shop Rite Action without prejudice and Gielen Development, Inc. is added as a plaintiff in the Shop Rite Action.

3. The complaint in the Shop Rite Action is amended to read “Gielen Development, Inc.” instead of “Gielen Enterprises, Inc.” throughout the complaint.

4. Plaintiffs need not file an amended complaint reflecting these amendments to the complaint in the Shop Rite action, but these amendments shall be effective pursuant to the order of the Court.

5. The defendants need not provide any further answer or response to the complaint as so amended in the Shop Rite Action.

Dated: June 1, 2015.

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SO ORDERED:

Dated:

Brooklyn, New York

United States District Judge